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BEFORE THE ARIZONA CORPORATION  
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Arizona Corporation Commission

DOCKETED

APR 30 2010

DOCKETED BY	<i>MM</i>
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IN THE MATTER OF THE APPLICATION OF  
DOUBLE DIAMOND UTILITIES, INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER SERVICE  
AND WASTEWATER SERVICE

Docket No. WS-20543A-07-0435

**MOTION FOR EXTENSION OF  
COMPLIANCE DATES**

Double Diamond Utilities, Inc. ("DDU"), through undersigned counsel, hereby moves for the extension of three compliance dates set forth in Decision No. 70352 (May 16, 2008). This request arises from the significant downturn in the economy and the delay in the construction of the Hoover Dam Bridge that has caused a delay in the timetable for the development covered by DDU's CC&N.

The three compliance items that require extension of the upcoming May 16, 2010 compliance date are: (i) filing of the Approval to Construct for the water system for Phase 1 of the initial phase of the Ranch at White Hills project; (ii) filing of the General Permits for Phase 1 of the initial phase of the wastewater plant for the Ranch at White Hills and (iii) filing of the Aquifer Protection Permit for the wastewater division.

DDU requests that the deadline for filing these compliance items be extended from May 16, 2010 to December 31, 2012.

**A. Background**

In Decision No. 70352, DDU received a CC&N to provide water and wastewater service to the initial phase of The Ranch at White Hills ("White Hills"), a large master planned community located between Kingman and Las Vegas. As set forth in the Decision, DDU is a developer-

1 owned utility that will ultimately serve the entire White Hills development. The initial phase of  
2 constitutes approximately 10% of the overall development.

3 The Decision set forth numerous compliance requirements that were due at various times  
4 between the issuance of the Decision and May 16, 2010 (that is, two years after the date of the  
5 Decision). DDU has met many of those compliance requirements, including filing its rate tariff,  
6 its curtailment tariff, its backflow prevention tariff and its Water Conservation Plan.<sup>1</sup>

7 As the Commission is well aware, since the issuance of the CC&N in May 2008, the  
8 economy has suffered a precipitous downturn and the finance and credit markets have significantly  
9 tightened. The White Hills development had already been delayed due to delays in the  
10 construction of the Hoover Dam bypass bridge. Although the Mardians, the developer of White  
11 Hills, still fully intend to proceed with White Hills, common sense and good judgment dictate that  
12 the timeline for the development be pushed back.

13 **B. Extension of the May 16, 2010 Compliance Dates.**

14 The three compliance items at issue require extensive and expensive engineering design to  
15 prepare proposed system designs to ADEQ for approval of the necessary permits to begin  
16 construction. Given the economic downturn and the delayed development of the Ranch at White  
17 Hills, DDU does not believe it is prudent to incur such expenses at this time. Moreover, the  
18 overall plan of the development may be modified to meet the new demands of the recovering  
19 markets and the emerging renewable energy development in the vicinity of the Ranch at White  
20 Hills. Any such changes could affect the location of large backbone plant, water production and  
21 wastewater treatment facilities. Premature engineering would result in increased and unnecessary  
22 costs.

23 Development will come to this area; however, given the recent economy and the delays in  
24 the Hoover Dam bridge, it will take time. Therefore, DDU requests additional time to meet the  
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26 <sup>1</sup> DDU received an extension of two compliance dates in Decision No. 70947 (April 7, 2009),  
27 which extended the date to procure a \$500,000 performance bond or irrevocable sight draft letter  
of credit and to identify a Certified Operator until December 31, 2011.

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1 compliance requirements related to the engineering of the substantial backbone plant for the initial  
2 phase of the development.

3 WHEREFORE, DDU requests that compliance dates for the following three compliance  
4 items in Decision No. 70352 be extended until December 31, 2012:

5 1. Filing of the Approval to Construct for the water system for Phase 1 of the initial  
6 phase of the Ranch at White Hills project;

7 2. Filing of the General Permits for Phase 1 of the initial phase of the wastewater plant  
8 for the Ranch at White Hills; and

9 3. Filing of the Aquifer Protection Permit for the wastewater division.

10 RESPECTFULLY submitted this 30<sup>th</sup> day of April 2010.

11 ROSHKA DEWULF & PATTEN, PLC

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14 By 

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17 Attorney for Double Diamond Utilities, Inc.

18 Original and 13 copies of the foregoing  
19 filed this 30<sup>th</sup> day of April 2010, with:

20 Docket Control  
21 Arizona Corporation Commission  
1200 West Washington  
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22 Copy of the foregoing hand-delivered/mailed  
23 this 30<sup>th</sup> day of April 2010 to:

24 Yvette Kinsey  
25 Administrative Law Judge  
Hearing Division  
26 Arizona Corporation Commission  
1200 West Washington Street  
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